IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1056 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ARVIND PREMJI DALVI

Versus

DRIVER OF MOTOR TRUCK NO. G T T 7126

Appearance:

1. Misc.Civil Application No. 1056 of 2001
MR JK PARMAR for Petitioner No. 1
MR HM PRACHCHHAK for Petitioner No. 1
RULE SERVED for Respondent No. 1-2,4
MR SANDIP C SHAH for Respondent No. 3
DELETED for Respondent No. 5-6

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 07/05/2003

ORAL JUDGEMENT

1. By way of this application, the applicant has sought for transfer of Motor Accident Claims Petition No. 61 of 1991 pending before Motor Accident Claims Tribunal, Surat to Motor Accident Claims Tribunal, Porbandar on the ground that at present the applicant is residing at Porbandar.

2. Learned counsel for the applicant submitted that M.A.C.P. No. 61 of 1991 filed by the applicant is pending before the M.A.C.Tribunal at Surat. The applicant is residing at Porbandar and hence he is facing difficulties and inconvenience to attend the aforesaid petition at Surat and therefore he has filed the present application. Learned counsel for the applicant pointed out that for this purpose Motor Vehicles Act, 1988 has been amended by inserting provisions of Section 162 (2) in the Act itself. As per Section 162 (2) of the Motor Vehicles Acts, 1988, every application under Sub-section *1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides. But that amendment come into force with effect from 14-11-1994. The claimant - applicant has filed aforesaid claim petition in the year 1991. However, the amendment is not to be looked into at this stage but in the interest of justice and for the facility, convenience and feasibility of the applicant, aforesaid petition is required to transferred as prayed for by the applicant in the interest of justice.

3. In the facts and circumstances of the case and with the object of the provisions of Section 162 (2) of the Motor Vehicles Act, the present application is allowed and Motor Accident Claims Petition No. 61 of 1991 pending before Motor Accident Claims Tribunal, Surat is ordered to be transferred to Motor Accident Claims Tribunal, at Porbandar for hearing and final disposal. Rule is made absolute, with no order as to costs. D.S. is permitted.

(Kundan Singh, J.)

/JVSatwara/